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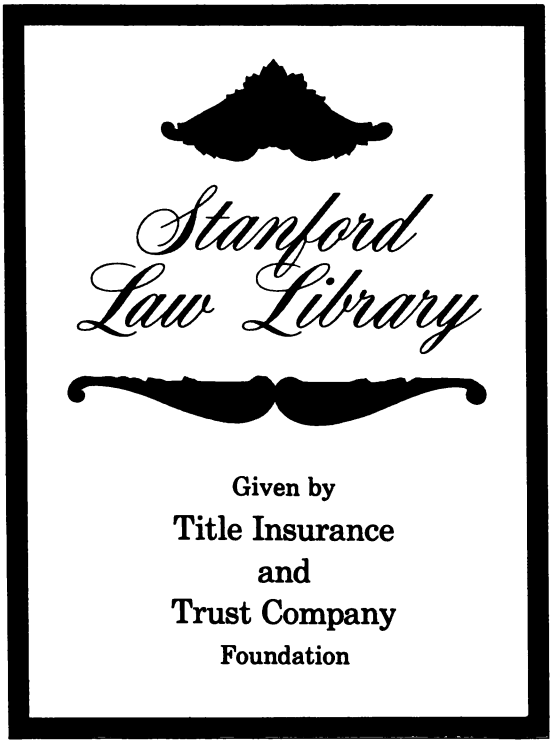
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AN EXPLANATION OF ANCIENT TERMS AND MEASURES OF LAND,

WITH SOME ACCOUNT OF OLD TENURES.

COLLECTED AND COMPILED FROM VARIOUS SOURCES,
AND ARRANGED IN ALPHABETICAL
ORDER, BY

PHILIP H. HORE,

OF POLE HORE, CO. WEXFORD.

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DEDICATED BY PERMISSION TO

S. LITTLE, ESQ.,

OF THE COUNTY OF WEXFORD,

AS A SMALL TOKEN OF ESTEEM AND RESPECT,

BY

PHILIP H. HORE.

PREFACE.

IT occurred to me that a treatise embodying in alphabetical order a short account of our ancient tenures and measures of land, presented in a readable type and somewhat clearer form than is to be found in our ancient glossaries and law dictionaries, would be a useful addition to the library of the antiquarian or legal man of business.

Most of those works are printed in quarto, some in black letter, are interlarded with many Latin quotations, and contain a great deal of extraneous information; so that if it be found this little treatise contains their properly extracted essence in a portable form, my object will have been attained.

The divisions, tenure, and value of land, with the state of society at the time of the Domesday Survey, are matters of legitimate historical interest. They have been of great interest to myself, although I need scarcely add that in the compilation of this treatise I cannot claim any merit of originality.

The works of reference will be found at the foot of the next page.

For more extended information on such subjects as the gavelkind tenure of land, the feudal system considered, &c., I would refer the general reader to Taylor's "History" and Robertson's "Laws of Gavelkind," &c.

PHILIP H. HORE.

AN EXPLANATION OF ANCIENT TERMS AND MEASURES OF LAND.[1]

THERE appears to have been, prior to Domesday Book, a very varied and uncertain system of measures for land, and in many parts of England and Ireland the same term expressed a different quantity. In Kent the Solin and Jugum seem to have been exclusively used, and confined to that county. Domesday Book records the survey, measure, and assessment of the land in England[2] in William Ist.'s time; the common pasture being then measured by hides, the arable land by carucates,

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[1] WORKS OF REFERENCE.—Nichols's "Diss. on Domesday"; "Pref. to Hist. of Leicestershire"; Wyndham's "Wiltshire"; "Antiq. Disc." 1 vol.; Hutchins's "Diss."; Kelham's "Domesday Book Ill."; Selden's "Titles of Honor"; Holme's "Academy of Armorie"; "Public Records"; Blackstone's "Commentaries"; Spelman; Coke "on Littelton," &c.

[2] Wales and the four northern shires of Cumberland, Westmoreland, Northumberland, and Durham are not included in the Domesday Survey. By the "Liber Ritualis," or Book of Customs, an

and the meadow by acres; but no uniform standard appears to have been adopted and made unchangeable until Henry I. ascertained a new standard of longitudinal measure by commanding that the ulna, or ancient ell, should be made of the exact length of his own arm. This became the *verga ulnaria*, or yard, measured according to the legal ell, or true standard. One simple standard measure of length being thus obtained, all others were easily derived from thence, those of greater length by multiplication, and those of less by subdivision. Thus by the statute called "Compositio ulnarum et perticarum," 5½ yards made a perch, and the yard is subdivided into 3 feet, and each foot into 12 inches, which were to be each of the length of three grains of barley plucked from the centre of the ear. Under King Richard I., in his Parlia-

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appendage to Domesday, the king ascertained the quality of persons and the quality of land, that is, how many hides were in every town, and which of them *gildabat* (this word signifies, according to Blunt's "Dictionary of Ancient Words," *tributable*, or liable to tax or tribute, and is mentioned in 27 Hen. VIII. cap. 26) and which not; that is, by custom were held in knight's service and socage; because in those early days, and long after, there was no mustering, but every one found soldiers according to the proportion of his hides of land; and by describing the number and quality of the owners of those hides, he knew in every town how many freeholders there were, either in feodo, who were by knight's service, or in allodio, who held in free socage, and were not subject to such commands of the lord, as socmen tenants in ancient demesne, who were of two sorts—either they had the freehold in them and were tenants by copy, or else were villeins. —*From Sir Walter Raleigh's "Discourses of Tenures," written during his confinement in the Tower.*

ment held at Westminster, A. D. 1197, it was ordained that there should be only one weight and one measure throughout the kingdom, and that the custody of the assize, or standard of weights and measures, should be committed to certain persons in every city and borough. This occasioned the creation of the office of Alneger, or Aulneger—a measurer by the ell—but whose duty seems to have consisted in looking to the assize of woollen cloth, &c., only. In King John's reign the ordinance of King Richard, above quoted, was frequently dispensed with for money (Hoved. A. D. 1201), which caused a provision to be made for enforcing it in the great charter of King John and his son (Stat. 9 Hen. III. c. 25). The charter (cap. 25) ordained that there shall be one measure throughout England, according to the standard in the Exchequer, formerly kept in the king's palace; and in all cities, market towns and villages, it was kept in the churches.

It will be seen that the following terms and tenures, which are arranged in alphabetical order, are mostly Norman, differing widely in their extent in some instances, especially the Carucate and Hide, in different counties, and that the tenures, now nearly all obsolete, show the military thraldom in which the feudal system placed the possessors of land, completing an armed circle for defensive purposes which could be gathered together at any moment, from the lowest villein, or dependent,

to the highest territorial lord or baron of the realm.[1]

ALLODIUM. The ancient Saxon term for land held of a man's own right, without either acknowledgment of service or payment of any rent to another, and is property in the highest degree. It is the contrary to *feud*, and is supposed to have been derived from the Celtic "allod," *i. e. ancient.*

It was the recompense to every soldier for his military service, and was *given* as such by the leaders of the barbarous hordes who overran Europe in the 5th and 6th centuries, to their followers. He could enjoy it during his life and dispose of it at pleasure, or leave it as an inheritance to his children, holding of no sovereign or superior lord, to whom he was bound to do homage and perform service.

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[1] The "Saxon Chronicle" explains that the fear of an invasion from Denmark, the defenceless state of the kingdom, and the oppression of the people, by the quartering upon them of a horde of foreigners, were the causes of the compilation of the Great Survey called Domesday (19 William I.) and that the principal landowners willingly submitted their lands to the yoke of military tenure, and became the king's vassals for their own protection and safety.

By the completion of this Survey the king acquired an exact knowledge of the possessions of the Crown. It afforded him the names of the landholders. It furnished him with the means of ascertaining the military strength of the country; and it pointed out the possibility of increasing the revenue in some cases, and of lessening the demands of the tax-collectors in others. It was, moreover, a register of appeal for those whose titles to their property might be disputed.

Allodial property, however, from various causes, became almost entirely feudal before the commencement of the 10th century. Montesquieu, in his "Spirit of Laws,"[1] has investigated and explained at length the motives which led to this change. Unjust differences in the composition paid for injuries being always more in the favour of the feoffee than the freeman, privileges belonging to the king's vassals established by the Salic law, trial by boiling water or red-hot iron for the smallest crimes, iniquitous favouritism in receiving testimony on oath, &c. &c., were some of them, and caused the usage of giving up the allodium to the king, and of receiving it afterwards from him as a fief, and of nominating to him the heirs. Every one stood in need of a protector, and desired to be incorporated with the other lords, and to enter, as it were, into the feudal monarchy, because the political no longer existed. Land in the United States is mostly allodial.

BARONY, according to Selden in his "Titles of Honour," was 13 knights' fees and a third. A barony is the term generally used for the lordship or fee of a baron, and was usually held by some service in chief of the king, coinciding with what is otherwise called *grand sergeanty* tenure. They came from the king him-

[1] Lib. xxxi. c. 8, vol. ii. p. 431.

self, and could be held immediately from no other lord. By the principles of the feudal constitution, every immediate military tenant of the Crown was obliged to assist the king with his advice and attend parliament. But those who had only one or two knights' fees, were excused from attendance, as it was too heavy and burdensome upon them; but they lost the right they were entitled to by the nature of their tenure, until the method was found out of admitting them by representation. Hence the distinction between tenants by barony or tenure, and tenants by knight's service in capite of the king. The former were such military tenants of the king as had estates sufficiently considerable to qualify them without inconvenience from attending parliament, and who were therefore entitled to be summoned—13⅓ knights' fees was the quantum of this estate (*see* "knight's fee"). The Baron's revenue was 400 marks, or £260 13*s.* 4*d.* therefore, the knight's fee being then reckoned at £20 a year.

BASE FEE denotes a tenure in fee at will of lord to distinguish it from socage or free tenure.[1]

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[1] It is also described as *bassa tenura*, or holding by villenage, to distinguish it from *alta tenura*, or the higher tenure in capite, or by military service. "Manerium de Cheping Farendon, cum pertinentiis, est de antiquo dominico coronæ Domini Regis, unde omnia predicta tenementa sunt parcella, et de *bassa tenura* ejusdem manerii."—*Consuetud. Domus de Farendon*, MS. F. 44.

BENEFICES consisted in lands given by the king to his officers and soldiers, either for life or for a fixed period.

BLENCH. To hold land in blench (a kind of black mail), was by payment of a sugar-loaf, a beaver hat, a couple of capons, &c., and such like.

BOCKLAND, from the Saxon, a possession or inheritance held by instruments in writing. "Bockland vero ea possidendi transferendique lege coercebatur, ut nec dari licuit nec vendi, sed hæredibus relinquenda erat, in scriptis aliter permitteretur; terra inde hæreditaria nuncupata inter leges Aluredi."—cap. 56. Bockland tenure carried with it the absolute inheritance and possession of the land, and was preserved in writing and kept by the Thanes or nobler sort, as "prædium nobile, liberum, et immune a servitiis vulgaribus et servilibus."

BORDLANDS were lands which the lord kept in his own hand for the maintenance of his board or table. They correspond to the present demesne lands. Bord-service was the tenure of them, and the tenants "Bordarii" by Domesday. The tenants had formerly to pay sixpence per acre in lieu of finding provisions for the lord's table.

BOVATA, OXGANG, or OXGATE was originally as much as an ox-team could plough in the year, and in the old law books was ordinarily stated at 15 acres. "Bovata terræ q. d. quantum sufficit ad iter vel actum unius bovis."

Eight bovates are said to have made a carucate, but the number of acres which made a bovate are variously stated in different records from 8 to 24.

"Octo acre faciunt unam bovatam in campis de Danecestre." 21 Edw. I. "Una bovata de xvi. acris et alia bovata continet xvii. acras."

In Lincolnshire oxgang is still corruptly called "oskin" of land. The term is used in Scotland for a portion of arable land containing 13 acres.

BURGAGE and FREE BURGAGE is a tenure proper to boroughs and towns, held of the king or other lord at a fixed yearly rate. Littleton declares it to be but tenure in common socage, and is where houses or lands which were formerly the site of houses in an ancient borough are held by some lord in common socage by a certain established rent. The free socage, in which these tenements are held, seems to be plainly a remnant of Saxon liberty; and this may account for the great variety of customs affecting many of these tenements so held in ancient burgage.

Free burgage—*burgagium liberum*—denotes a tenure whereby the tenants, after having paid their rent to the superior lord, were exempted from any service.

CAPITE. A tenure in capite was to hold of the king (from *caput*, the head, the king being head of the commonwealth) immediately in

right of his Crown and dignity, either by knight's service or socage (*vide*). This, though the most honourable species of tenure, subjected the tenants to greater and more burdensome services than those of an inferior nature.

By the statute of Charles II. (12 Car. II. c. 24) all such tenures by knight's service of the king, or of any other person, knight's service in capite, with all rights, &c., are annulled, and turned into free and common socage, so that those created hereafter must be in common socage only, and not in capite.

COPYHOLD is a base tenure, because the tenant holds at will of the lord, and has nothing to show for his right of possession but the *copy* of the roll made by the steward of the lord's court. In other words, the transcript, made by the steward of the court, of his register of all lands and tenements belonging to the manor, and which is termed the *Copy of the court roll*, is the only evidence the tenant can produce as a testimony of his lawful occupation.[1]

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[1] Sir Walter Raleigh states in his "Discourse on Tenures" that there were copy-holders in the Saxons' time, as appeared by many places in Domesday Book. His observations are exceedingly interesting, and may not be considered out of place here. He says:—

"Lambert saith, speaking of rodmen (tenants par le verge) in the Confessor's time, he who held by base tenure, and not in villenage, among the Saxons was called a *Churle*. I find not any warrant for it, though I assure myself he did, and that these copy-holders are of meaner respect in those days is to be collected out of many

Copyhold is still used as a law term, but with a very different signification from what it originally held. It is now considered a complete title, although subject to varying customs of different manors. Copyhold land, however, cannot be made at this day; for the foundation of a copyhold is that it hath been demised time out of mind, by copy of court-roll, and that the tenements are parcel of, or within the manor.[1]

In reality copyholders are no other but villeins, who by a long series of immemorial encroachments on the lord, have at last established a customary right to those estates which before were held absolutely at the lord's will.

CORNAGE. The service in cornage consisted in blowing a horn when any invasion of the Scots was perceived, and was a species of grand ser-

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places of Domesday, shewing that some kind of socmen might not only sell their land without license of the lord, but they could not withdraw their persons from the soyl they undertook to manure for customary land, which is the reason of the restitution of *faire free*. And in those days it was a base, if not a tenure in villenage. To give an instance: In Flamdit hundred two sockmen, the tenants of Godwin; *unus inveniebat aurum et alter guerdam*, and they could not depart without license. Again, in Trippleday hundred; this land held Olgarus, the man of Harold the Earl, and in the time of King . . . . . , he could not depart from his own lord to go to another.

"In the same hundred, the socmen of the Earl Gurdus could not depart and dwell elsewhere without the Earl Gurdus his license."

[1] I. Inst. 58, 4 Rep. 24.

jeanty tenure, necessarily addicted to the northern counties. *Wardecorne* was a similar tenure.

COURTESY. Tenure by courtesy is, according to Blackstone, where a man marries a woman seized of an estate of inheritance, and has by her issue born alive which was capable of inheriting her estate; in this case, on the death of his wife, he holds the lands for his life as tenant by curtesy or courtesy.

CARRUCATE or CARUCATE was as much land as could be tilled in a year with one plough, and the beasts belonging thereto; or arable land having meadow, pasture, and houses for the householders and cattle belonging to it. It varied in extent in different counties from 60 to 120 acres. "Sex car' faciunt tertiam partem feodi unius militis in Com. Northumberland." (10 John.)

"Novem caruc. et dimid' faciunt tertiam partem feodi unius militis in Com. Lancast." (25 Edw. I.)

"16 Carucate terre faciunt servi unius militis in Com. Ebor." (t. John), and in the Co. Lincoln 48 to the Knight's fee. See note on p. .

It appears by the following extract from Domesday Book that three carucates were considered equal to five hides of land, although there can be little doubt that the carucate and hide were considered synonymous terms in most of the surveys, the hide being the measure

in the Confessor's reign, and the carucate that to which it was reduced by the Conqueror's new standard. Mr. H. P. Wyndham, however, in his Wiltshire extracted from Domesday Book, 1788, distinguishes between hide and carucate. He considers the former was intended to signify "the valuation of the estate," and the latter "the measurement of the land."

"*Hantescire.*—Rex tenet in Halingei duas hidas et dimidiam, Leman tenuit in paragio de Rege Edwardo. Heraldus abstulit ei quando regnum invasit et misit in firma sua et adhuc ibi est. Tunc se defendebat pro 2 hidis et dimidia. Modo pro nihilo. Terra est 1 carucata et dimidia. In dominio est una carucata, et unus villanus et 8 bordarii, cum dimidia carucata; et una acra prati et dimidia. T.R.E.[1] valebat 40 solidos, et postea 20 solidos; modo 70 solidos."

"*Hampshire.*—The king holds two hides and a half in Halingei. Leman held them in parcenary of King Edward. Harold deprived him of them when he usurped the government, and converted them into a royal manor, and so they remain. It was then assessed at two hides and a half, but is now assessed at nothing. The land is one carucate and a-half: one caracute

[1] "Tempore Regis Edwardi;" or, the time of King Edward the Confessor.

is in demesne, and 1 villein and 8 borderers occupy half a carucate, and one acre and a half of meadow. It was worth in the time of King Edward 40*s*. and afterwards 20*s*. It is now worth 70*s*."

In the surveys of Nottingham, Derby, and Lincoln, carucates only are mentioned, but in others both the hide and carucate appear.

It will thus be seen how variously the contents of the carucate are stated, how that they differ considerably not only in different counties, but even in different districts of the same county, and how vague and indefinite as a fixed measure it must have been; in fact, there is no criterion in any one county for judging of its real extent. The Liber Niger, as well as several ancient charters, esteem it to contain 100 acres, while other authorities consider it 120, and the Liber Eliensis asserts that some consisted of even 240 acres. In the first nine years of the reign of King Richard I. it appears to have consisted of but 60 acres, while afterwards it was fixed at 100. In the time of Edward I. it was more than once estimated at 180 acres; and in the 23 Edw. III. a carucate of land in Burcester contained 112 acres, and in Middleton 150. The Monasticon Anglicanum[1] states that 14 carucates made a knight's fee.

[1] Tom. i. p. 75.

A MSS. register of Fountains Abbey, 16; another, 12 ; and one of Dodsworth's MSS. in the Bodleian goes to 48.[1] Again, a charter of 5 Edw. III. records that 3 carucates of land which the Abbot of Netley held in the New Forest consisted of 100 acres; and a similar measure is repeated in a patent of Henry IV.

So convinced were the Commissioners appointed for the survey of Leicestershire that hides and carucates were of no certain measure, and that they differed still more in quality than they did in measure, that they adopted the very rational method of determining the value of the land by the number of the ploughs that were actually employed, or that in their judgment might be employed on it. The historian of Leicestershire states that "We sometimes find that the number of ploughs is considerably less than the number of plough-lands, and that the Commissioners find that the land would have admitted of more ploughs than were then in actual use."

The conclusion may be drawn that certain lands had been in a better condition in the time of King Edward than they were in the reign of King William I., from their having more

[1] "48 carucate terre faciunt servi unius militis in Com. Lincoln." (34 Edw. I.)

ploughs on them ; and, on the contrary, other lands were much improved at the time of the survey, as they had more ploughs at work than had been employed in the Confessor's time.

CHAMPION — a corruption of champaign — land which, as its name implies, signifies a large plain without hedges or enclosures or tall woods.

CHARTER-LAND is a law term, and is land held by charter or written evidence, otherwise freehold. The Saxons called it Bock-land or Book-land, and it was by that name distinguished from Folk-land, which was copyhold. Bock or Book-land was regarded as free property, and descended to the heirs of the possessor. It was "hæreditaria, libera, et immunis," and held on easier conditions than the Folk-land or "terra sine scripto," which "censum pensitabat annuum, atque officiorum quadam servitute erat obligatus."

Charter-land was held by deed under certain rents and free services, and was in no respect different from free socage lands; hence have arisen most of the freehold tenants who hold of particular manors, and owe suit and service to the same.

DEMESNE or DOMAIN lands generally denote the manor-place, with the lands belonging to it, which the lord and his ancestors have from time to time kept in their own occupation, and for their own pleasure or profit. Demesne is

sometimes used also in opposition to frank free lands.

In England no common person has any domain or demesne simply understood; for all depend either directly or indirectly from the Crown. When a man, therefore, in pleading, would signify his land to be his own, he saith, that he is or was seised thereof in his domain, as of fee; whereby he means, that although his land be to him and his heirs for ever, yet it is no true domain, but depends upon some superior lord, and he, *i.e.* the pleader, holds by service, or rent in lieu of service, or by both.

Demesne or domain lands of the Crown, terræ dominicales regis, denote either the share reserved to the Crown in the distribution of landed property, or such as come to it afterwards by forfeitures or other means, which were anciently very large and extensive; comprising divers manors, honours, and lordships, the tenants of which had very peculiar privileges. At present they are contracted within a very narrow compass, nearly all granted away to private subjects. This has occasioned the parliament frequently to interpose; and, particularly after King William III. had greatly impoverished the Crown, an Act passed (1 Anne St. I. c. 7) whereby all future grants or leases from the Crown for any longer period than

31 years, or three lives, were declared to be void; except with regard to houses, which may be granted for 50 years.

Tenure of ancient demesne was a species of privileged villeinage. Tenants could not sue or be sued for their lands in the King's Courts of Common Law; but had the privilege of having justice administered to them in the Court of the Manor by *petit writ of droit close*, directed to the bailiffs of the King's Manor, or to the lord of the manor whereof the lands were held.

DOWER, DOTARIUM, or DOS is the portion of lands, &c., which a widow enjoys for the term of her life from her husband in case she survives him.[1]

Dower out of lands seems to have been unknown in the early part of our Saxon constitution; for in the laws of King Edmund[2] the wife is directed to be supported wholly out of the personal estate. Afterwards, as in gavelkind tenure, the widow became entitled to a conditional estate in one-half of the lands, provided she remained chaste and unmarried.[3]

Judge Blackstone, in treating of this estate[4] has described the dowee, the dower, the manner of endowment, and how it may be barred or prevented, to which the reader must be referred for more detailed information than

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[1] Bract. l. ii. c. 29, Co. Litt. 30.
[2] Wilk. 75.
[3] Somner, Gavelk. 51. Co. Litt. 33. Bro. Dower, 70.
[4] Black. Comm. b. ii.

can be supplied in a treatise of this nature. The learned Judge also traces the several revolutions which the doctrine of dower has undergone since its introduction into England; statutes having been enacted in the reigns of Henry III., Edw. I., Henry IV., Edw. IV., and Edw. V. concerning it.

ESCHEAT, ESHCHET or ECHET, derived from French eschoir or échoir, "to happen," denotes in law an obstruction in the course of descent, and consequently a determination of the tenure by some unforeseen contingency to the original lord of the fee.[1] This was one of the fruits and consequences of feudal tenure, and is incident to tenure in socage as well as to tenure in Knight's Service; except only in gavel-kind lands, which are subject to no escheats for felony, though they are to escheats for want of heirs.

ESCUTAGE, or SCUTAGE, was an ancient kind of knight's service, called also "service of the shield," the conditions of which were that the tenant should follow his lord to the Scottish or Welsh wars, at his own expense, if required. It was afterwards compounded for by a pecuniary satisfaction,[2] levied by assessments at a certain rate for every knight's fee; and so be-

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[1] 1 Fend. 86. Co. Litt. 13.

[2] This penalty in lieu of personal service was levied by Henry II., Richard I., and King John, but it was not till the time of Henry III., who required money for his expedition to the Holy Land, that it

came, like others, a pecuniary in lieu of a military service.[1] The first instance that occurs was in 5 Hen. II., on account of his expedition to Toulouse. It afterwards became more general and oppressive; so that King John was obliged to consent, by his Magna Charta, that no escutage should be imposed without consent of parliament; but the clause was omitted in the Charter of Henry III., which directs that it should be taken as it used to be in the time of Henry II., or in a reasonable and moderate manner. However, it was afterwards enacted by Stat. 25 Edw. I. cap. 5 and 6, and many subsequent statutes, that the king should take no aids or tasks but by the common assent of the realm; and it appears that escutages were the ground-work of all succeeding subsidies, and of the land tax of later times.[2]

FABRIC LANDS are lands given towards the maintenance, rebuilding, or repair of cathedrals, or other churches mentioned in the Act of Oblivion,

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became of a fixed amount, and was assessed at three marks for every knight's fee.

[1] Sir Walter Raleigh, in his "Discourse of Ancient Tenures," which was published among the MSS. of Archbishop Sancroft, and is now in the collection of the Bodleian Library, says that escuage was incident to knight's service *before the Conquest*, and that "Doomsday in ye description of Shropeshire both in ye case of ye mannor of *Cheny*, and in Robert Bellerock's case, makes mention *de scutagio*, and of ye money due for it."

[2] Black. Comm. vol. ii. p. 74.

12 Car. II. cap. 8. In ancient times, almost every one gave by his will more or less to the fabric of the cathedral or parish church where he lived.

FALL OF LAND. Six ells in length and six in breadth is a superficial fall of measured land. In Scotland the superficial fall is the Scotch pole of land, or 36 Scotch ells, equal to 38·44 square English yards, or 1·27 English perches.

In Lancashire it is used as a solid measure for measuring marl, and is a cube having a side of 4 yards, equal to 64 cubic yards.

FARDELL, FARDINGDEAL, or FARUNDELL seem to be synonymous terms for the fourth part of an acre,[1] although, according to Spelman, a fardingdel was the fourth part of a yard land, which would make it 5 acres, taking the yard land at 20 acres.

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[1] The fardingdeal seems to have been of the same quantity as the *Denariata terræ*, or as much land as was then worth a penny by the year, from *Denarius*, an English penny. (Ed. I.)

Du Cange mentions the Denariata:—

"Sibylla Bartholot tenet unam acram et quinque *Denariatos terræ* in eodem tenemento."

The farding-deal is called *Quadrantata terræ* in Reg. Orig. fol. 1 *b*. according to the learned Dr. Cowel, and as *Denariata*, *Obolata*, *Solidata*, and Librata terræ are also mentioned; it may be presumed that they arise in proportion of quantity, as a halfpenny, penny, shilling, pound, arise in the ascending scale of values. Consequently *Quadranta* would be a quarter of an acre; *Obolata*, half an acre; *Denariata*, an acre; *Solidata*, twelve acres; and *Librata*, twelve score acres. This last has been defined to be so much ground as was yearly worth 20*s*.

FARTHING OF LAND appears to differ from the above from an entry—quoted by Blount—made in an *old* survey-book of the Manor of West Hapton, in the County of Devon, which states that "A. B. holds six farthings of land at £126 per annum." No period is mentioned ; but as the relative values of land and money were vastly different—supposing it to have occurred in the Middle Ages—from what they are at present, it may be concluded that a farthing of land represented a quarter of a hide, or 25 acres.

FERLING or FERDING occur in the Survey of Somerset and Devon. Nichols asserts it to be less than the hide or virgate, at perhaps 15 acres; but Coke on Lyttleton declares that by the old writers it was a quarentine, or 32 acres. According to[1] authorities quoted by Du Cange, it contained only 40 perches.

FEORWENDEL was a quarter of an acre (according to Angl. Mon, tom. 2, p. 93). From the Saxon *Feorth.*

FERDELLA TERRÆ was ten acres. See note at p. 60.

FEE, FEUD, FEODUM, or FIEF is the general Norman term for an estate held of a superior lord on condition of fealty, homage, &c.

It may be sufficient to state, in a treatise of this nature, that most historians agree that the ancient feudal tenures of land originated in the

[1] Gloss. Lat. voc. "Quarentena."

system of military policy and protection adopted by the warlike tribes of the north, who spread themselves over Europe at the decline of the Roman empire. A co-operation for defensive purposes, which converted all the holders of land into soldiers, who, naturally, in defending their own, would serve with a great deal more zeal than others, engrafted upon the ancient Saxon laws of the Confessor by the Norman Conqueror, modified by Magna Charta, altered in the reigns of Henry I., John, Henry III., and Charles; and, finally, ceasing to have any active existence or meaning in the middle of the 17th century; as when feuds were no longer military they began to be bought and sold, and deviations were made from the old fundamental rules of tenure and succession.[1]

FEE-SIMPLE denominates an absolute inheritance, clear of any condition, limitation, or restriction

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[1] "The feudal polity, which was by degrees established over all the Continent of Europe, seems not to have been received in this our island—at least not universally and as a part of the National Constitution—till the reign of William the Norman. Not but that it is reasonable to believe from abundant traces in our history and laws, that even in the times of the Saxons, who were a swarm from what Sir William Temple calls the same northern hive, something similar to this was in use: yet not so extensively, nor attended with all the rigour that was afterwards imported by the Normans. For the Saxons were firmly settled in this island at least as early as the year 600; and it was not till two centuries after, that feuds arrived to their full vigour and maturity even on the Continent of Europe."—BLACK. *Comm.* b. ii. c. 4.

to particular heirs; but descendible to the heirs general, whether male or female, lineal or collateral.

FEE-TAIL denotes a limitation of the property to the possessor and the heirs of his body.

Fee-tail may be divided into two kinds, general and special.

General is where the lands are bestowed upon a man and the heirs of his body lawfully begotten, whether by his first wife or succeeding wives, so that the succession is not restricted to the issue by any particular wife.

Special-tail is where a man and his wife are seised of lands to them and the heirs of their particular bodies, so that, if the first wife die without issue, the issue consequent on a second marriage cannot inherit. Fee-tail-special had its origin from the Stat. of Westminster 2, 13 Edw. I. cap. 1. Before that period all land given to a man and his heirs, either general or special, was reputed in the nature of a *fee;* and therefore so firmly held to him, that, any limitation notwithstanding, he might alienate it at pleasure; for redress of which inconvenience the statute provides that if a man gives lands in fee, limiting the heirs to whom it should descend, with a reversion to himself and his heirs for default of such former heirs, the form and meaning of the gift shall be observed.

Distinction of sexes occur often in these

entails, the entail-male barring the female inheritance, and vice versâ.

It may not be inappropriate to note here the incidents to a tenancy in tail under the above statute:—

1. That a tenant in tail may commit waste on the estate-tail by felling timber, pulling down houses, or the like, without fear of impeachment or having to render account.
2. That the wife of the tenant in tail shall have her dower, or thirds of the estate-tail.
3. That the husband of a female tenant in tail may be tenant by courtesy of the estate-tail.
4. That an estate-tail may be barred or destroyed by a fine, by a common recovery, or by lineal warranty descending with assets to the heir.[1] By subsequent statutes, estates tail may be alienated, are liable to forfeiture for high treason, and are chargeable with reasonable leases, and with such

[1] Statutes 1 Rich. III.; 4 Hen. VII.; and 32 Hen. VIII. The doctrine established by them is that a fine with proclamations shall bar all "privies" (i. e. those persons who are not only connected by blood to the persons who levy the fine, but also who must necessarily convey their descent through the cognizor before they can make out their titles to the estate, which comprehends the issue in tail), and strangers, and when levied of any manors, lands, tenements, or hereditaments, intailed to the person levying such fine, or to any of his ancestors, shall bar the said persons and their heirs claiming by force of such intail.

debts as are due to the Crown on specialities, or have been contracted in a course of commerce.

FREE HOLD, or FRANK TENEMENT, is that held by a man in fee-simple, fee-tail, or for a term of life, and is defined by Britton to be "the possession of the soil by a free man." Such estate as requires actual possession of the land is, legally speaking, freehold; which actual possession can, by the course of the Common Law, be only given by the ceremony called "livery of seisin," which is the same as the feudal investiture. The Judge Blackstone says: "From these principles we may extract this description of a freehold: that it is such an estate in lands as is conveyed by livery of seisin, or in tenements of an incorporeal nature, by what is equivalent thereto." Estates of inheritance and estates for life could not, by common law, be conveyed without livery of seisin. These are properly estates of freehold; and as no other estates were conveyed with the same solemnity, therefore no others were properly free-hold estates.

By Magna Charta[1] no man shall be disseised of his freehold by statute, only by judgment of his peers, or according to the laws of the land: nor shall any distrain freeholders to answer for their

[1] Mag. Ch. cap. 29.

freehold in anything concerning the same without the king's writ.[1]

Freehold corresponds with what in the Saxon's time was termed bock-land (*vide*), or land held by *book* or writing, to distinguish it from folk-land held without writing.

FRANK ALMOIGN and FRANK FEE. Frank Almoign, or fee alms, is a tenure of lands or tenements given to such people as devote themselves to the service of God, in pure and perpetual alms, or whereby a religious corporation holds land free to them and their successors for ever.[2]

This old Saxon tenure, continued under the Normans, was that by which all the ancient monasteries and religious houses held their

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[1] Stat. 52 Hen. III. c. 22.

[2] By the Plea Roll, 30 Edw. III., in the Exchequer, those that held in frank almoign were not chargeable for *Ayd pur fille marier* (which was the dowry for the king's daughter, and due by those who held in knight's service, according to "20*s.* a knight's fee," and for those who held in socage "20*s.* for £20 land"), a writ of discharge having been sent to the Abbott of Peterboro', who held in frank almoign, temp. Edw. I. On the marriage of Eleanor, daughter of Edw. I., to Henry, Earl of Bar, the Abbot of St. Alban's being sued for aid to make the Black Prince knight—this was the "aid pur faire Fitz Chivalier"—out of the manor of Winstow and Gresburgh, he pleaded that those lands were held in frank almoign, and not in socage on knight's-service, whereupon the barons discharged him.

(Dr. Cowel says that the king *or other lord* might of old lay a tax on their tenants for knighting his eldest son at the age of 15 years, or marrying his daughter at 7, and "that at what rate themselves listed.")

lands. Generally the feoffees were expected to pray for the souls of the donor and his heirs, dead or alive. They did no fealty, the service being purely spiritual, the law giving no remedy by distress, or otherwise, should it be neglected, and they were discharged from all other services except the "trinoda necessitas"[1] of repairing the highways, building castles, and repelling invasions.[2]

Frank fee was a tenure exempted from all services, except homage, in contradistinction to that in the tenant's hands, which is only ancient demesne.[3]

In the registration of writs, frank fee is said to be that which a man holds at common law to him and his heirs, and not by such service as

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[1] The three obligations of "Trinoda necessitas" were Expedition, Burgbote, and Brigbote. These duties the Saxons did not call *servita*, because they were not feudal services arising from the condition of the owners, but *landirecta*, or rights which charged the berg land, whoever possessed it, *propter publicani regni utilitatem*.

Expedition was the charge of an expedition to the wars, and appears to have been a sort of toll, from which, according to Ingulphus, no person holding in frank almoign was allowed exemption. All religious bodies or corporations paid this tax, assessed according to the quantity and value of the land held by them.

Burgbote was the tribute or contribution towards the repair or building of castles or walls of defence. Some tenants in frank almoign had exemption by ancient charters of the Saxon kings; and,

Brigbote (from *brig*, a bridge) was the amending or supplying any defects in the bridges or road approaches to them.

[2] Litt. 131-3-5. Selden, i. 42. Bracton, i. 4, tr. 1, c. 28.

[3] Fachin, lib. vii. cap. 39.

is required in ancient demesne, according to the custom of the manor.

At the compilation of Domesday Book, it was laid down that all the lands in the hands of King Edward the Confessor were ancient demesne, and all the rest frank fee.

FURROW OF LAND is as much land as the plough turns up at a time.

GLEBE LAND is commonly used for land belonging to a parish church, beside the tithes. Thus Lindwood states: "Glebe est terra in qua consistit dos ecclesiæ; generaliter tamen sumitur pro solo, vel pro terra culta." Though in the most general and extensive use of the word, glebe is applicable to any lands or grounds belonging to any benefice, fee, manor, inheritance, or the like.

"If any parson, vicar, &c., hath caused any of his glebe lands to be manured and sowed at his own cost with any corn or grain, the incumbents may devise all the profits and corn growing upon the said glebe by will. (Stat. 28 Hen. VIII. cap. 11.) And if a parson sows his glebe and dies, the executors shall have the corn sowed by the testator; but if a glebe be in the hands of a tenant, and the parson dies after severance of the corn, and before his rent due, it is said neither the parson's executors nor his successor can claim the rent, but the tenant may retain it and also the crop, unless there be a special

covenant for the payment to the person's executors proportionably."[1]

GAVEL-KIND, derived, according to Taylor, from the British *gavel*, hold or tenure, and *cenned* or *cenedl*, generation or family.[2]

Lands held under this denomination—which is an ancient socage tenure, and anciently obtained throughout England before 1066, but when knight's service was introduced was restrained to the eldest son for the preservation of the tenure, and still prevailing in parts of Kent, Urchenfield in Herefordshire, and elsewhere—descend equally, and are divided share and share alike, among all the male children; and, in defect of these, among the female. They are of age, and qualified to take possession, at 15; and may then give, send, or alienate the same to any person without the consent of any one. They inherited, though convicted of felony, murder, &c. However, it has been decided that in cases of treason, which strike at the foundations of policy and government, even gavel-kind lands are forfeitable, and always were. The tenants were to do fealty, and to be in the tuition of the next akin, who is not next heir after them, till 15 years of age.

Gavel-kind is said to be only a species of a socage tenure modified by the custom of the

[1] Wood's "Inst." 163. [2] Taylor's "History of Gavel-kind."

country; the lands being held by suit of court and fealty, which is a service in its nature certain.[1] By a charter of King John, Hubert, Archbishop of Canterbury, was authorized to exchange the gavel-kind tenures held from the see of Canterbury into tenures by knight's service; and, by the statute of 31 Hen. VIII. c. 3, which enacted, on the petition of several Kentish gentlemen, that a great part of the land of that county should be descendible to the eldest son, according to the course of common law, they were directed to descend for the future like other lands which were never held by socage service.

Gavel-kind, according to Mr. Selden, was the general custom of the realm before the Norman conquest; and the immunities which the tenants enjoyed are supposed to be such as cannot be conceived to have been conferred on mere ploughmen and peasants; from all which that learned commentator apprehends it to be sufficiently clear that tenures in free socage are in general of a nobler origin than is assigned by Lyttelton, or, after him, by the bulk of common lawyers.[2]

In Ireland the gavel-kind descent of lands was an incident to the custom of *tanistry* (*which see*), abandoned in consequence of a solemn judgment against the latter in a case Ann. v. Jac. I. (Dav.

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[1] Wright, 211.

[2] Blount's Com. v. ii.

Rep. 28). In Queen Anne's reign the policy of weakening the Roman Catholic interest in Ireland was the cause of an Irish statute to make the lands of Papists descendible according to the gavel-kind custom, unless the heir conformed within a limited time.[1] By the statutes 17 and 18 Geo. III. c. 49, however, the descent of the lands of Roman Catholics is again reduced to the course of common law.

Hide of land is sometimes described as sufficient for the cultivation of one plough, and placed at 100 acres[2]—in ancient MSS. at 120 acres. The distribution of England into hides of land is very ancient, as the following laws and computations made in King John's reign will show;[3] it will be seen also that the measure varies like the carucate in different counties.[4]

"Henricus I. maritand. filiæ suæ gratia imperatori, cepit ab unaquaque hida Anglia tres sol." (John, cap. 14.)

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[1] Rob. on Gavel-kind, c. 17.

[2] Crompton, "Jurisdiction," fol. 322.

[3] King Ethelred, in the year 994, when the Danes landed at Sandwich, taxed all his lands by hides, and the hydage (*Hydagium*) or tax on every hide, formed one ship furnished for every 310 hides, and one jack and one saddle for the defence of the realm for every 8 hides so taxed.

It is also mentioned in 1084.

[4] Redburn's "Chronicles," and the "MS. Abbatiæ Malwish" state that:—

". . . . . Quatuor virgatæ hidam faciunt, et quinque hidæ feodum militis."

"Dua hide faciam tertium partis feodi militis in Com. Wilts." (10 John.)

"Sex hide faciam feodum unius militis in Com. Bucks." (7 and 8 John.)

"27 hide faciam feodum unius militis in Com. Kent." (3 John.)

HOMAGE. In the original grants of lands, by way of fee, the lord did not only oblige his tenants to certain services, but also took a submission, with promise and oath to be true and loyal to him as their lord and benefactor; this is called *homage*. The form, as appointed by stat. 17 Edw. II. is in these words:—

"When a free man shall do homage to his lord, of whom he holdeth in chief, he shall hold his hands together, between the hands of his lord, and shall say thus:—'I become your man from this day forth, for my life, for member, and for worldly honour, and shall owe you my faith for the land I hold of you; saving the faith that I owe unto our Sovereign Lord the King, and to mine other lords.'"

In this manner the lord of the fee for which homage is due, takes homage of every tenant as he comes to the land or fee.[1]

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[1] Bishops do no homage, only fealty, although the Archbishop of Canterbury has done homage on his knees to the king at the coronation. Women would also be naturally excepted from this service as it is performed through their husbands, because homage is supposed to have a more immediate relation to service in war. Fitzherbert, however, denies this.—Nat. Brev. fol. 157.

Homage-*liege* was a more extensive kind of submission, whereby the vassal held of the lord not only for his land, but his person; so that the lord might use him against all mankind whether within or without the kingdom, except against the King. This kind of homage was rendered bare-headed, with the hands joined on the Gospels, and one knee on the ground, and without sword, girdle, or spurs.

JUGERUM—obsolete prior to Domesday[1]—an acre as much as a yoke of oxen could till in a day It contained in length 240 feet, and in breadth 120.

It was the old Roman measure of surface,[2] and

"The leger book of Abingdon, says Turkillus, did homage to the Abbot of Abingdon for his lands in Kingstone; but being slain in the battle with Harold, Henricus de Ferrariis seized upon his land, with whom the Abbot had much contention.

"After William the Conqueror's time Abbots and Priors did homage, and in one of the manuscripts of Peterborow, is the form of the homage of the Abbot of Crowland, 34 Edw. I., which he did for the land in Veikerk, which he held of the Abbot of Peterborow, and another of the Prioress of St. Michael for land in Stanford."—*From Sir W. Raleigh's "Discourse on Tenures," written during his confinement in the Tower.*

[1] Acre seems to have been early substituted for it. No determined quantity of land, but rather the open campaign, was signified by it, and thus it would appear to be derived from the Saxon *acer*, a field. When applied as a *measure* to ground, the quantity was specified by 31 and 35 Edw. I. and 24 Hen. VIII.

[2] "Jugum vocabatur, quod uno jugo bovum in die enarari posset."—PLIN. *His. Nat.* xviii. 3.

"Arat Falerni mille fundi jugera."—Hor. *Epod.* iv. 15.

was the common measure of land, its smallest part being the *scrupulum* of 10 feet square. The *jugerum* contained 288 scrupula, or 28,800 square feet. Two *jugera* formed an *heredium*, a hundred *heredia* a *centuria*, and four *centuriæ* a *saltus*. These divisions were derived from the original assignment of landed property, in which two *jugera* were given to each Roman citizen as heritable property.[1] Its proportion to the English acre is as 10,000 to 16,097.

KNIGHT'S FEE, or Feodum Militare, was so much land of inheritance as was esteemed sufficient to maintain a knight with suitable retinue, the value of which in the days of Henry III. was reckoned at £15 per annum. It is supposed to have contained 8 carucates, or 680 acres,[2] though some consisted of 800 acres. By statute of 1 Edw. II., those who had £20 per ann. in fee, or for life, might be compelled to be knights. This statute is repealed by 16 Car. I. According to Blackstone,[3] the measure of a knight's fee in 3 Edw. I. was estimated at 12 plough lands, and its value, though it varied with the times, was stated at £20 per

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[1] Smith's "Classical Dictionary of Antiquities," p. 210.

[2] Dr. Cowel states that

5 hides made a knight's fee,
4 virgates a hide, and
24 acres a virgate.

Consequently a knight's fee would be 480 acres.

[3] "Commentaries," book ii. chap. 5, "Titles of Honour."

annum in the reigns of Edward I. and Edward II. Selden, however, contends that a knight's fee did not consist of land of a *fixed* extent or value, but was as much as the king was pleased to grant upon the condition of having the services of one knight.[1] (*See* "Carucate.")

Stow says that there were found in England at the time of the Conqueror, 60,211 knight's fees, whereof the monasteries before their suppression were possessed of 28,015.

The division of the kingdom into knight's fees, upon the Norman conquest, was the first introduction of the feudal system, and as this ancient arrangement seems intimately connected with the early history of the nation and its primitive social standing, it may be considered of sufficient importance to merit a more elaborated treatment than the other "*ancient terms and measures of land.*"

For every knight's fee the knight was bound to attend the king in his wars[2] for 40 days in

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[1] Sir E. Coke in his "Institutes," sect. 117, says that land held by knight's service was called *Thainland*, and land held by socage was called *Reveland;* but according to Domesday, the land which was said to have been *Thane* land (T. E. R.), and afterwards converted into Reveland, appears to have acquired its change of name by reverting to the king after the death of his thane or baron, who had it for life only.

[2] That the tenure by knight's service caused the tenant to serve in the wars appears by a case recorded in the Book of Worcester, between William, Bishop of Worcester, and Walter, Abbot of

the year, in which time, before war was reduced to a science, the campaign was generally finished, and a kingdom either lost or won; so that by this means the king always had an army of

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Evesham. "The Bishop claimed 'Sac, soc, sepulturam, et gildam regis, et expeditiones in terrâ et in mare,' and that by the tenure of 15 hides in 'Hamptonia,' and '4 hides elswhere,' and the cause was discussed 'per justitiam et breve et præceptum regis Wilhelmi primi,' and the King from Normandy sent a precept to Godfrey Constanc. episcopo, that he and divers barons should be present: by whom day was given for witnesses on both sides, and the Bishop brought divers who lived in the Confessor's time, and knew that the Abbot for those lands had sent soldiers in the Confessor's time divers times, and that one was steersman to the Bishop to carry him beyond the seas, and therefore the Abbot, seeing the witnesses so clear against him, yielded ad omnem rem sicut Episcopus clamuerat.

"By the Book of Abingdon it appeared that if the tenant, that held of the king by knight's service, went not in person, or found not a man to go with the king to war, it was a forfeiture of the land held; and if the king's tenant had an under-tenant that held of him by knight's service, and he went not to discharge his lord, the land was forfeited to the lord: for in that book it is discoursed of largely, how Hen. I. having war with his brother Robert, Duke of Normandy, he sent over his writs, commanding his tenants that held in chivalry of him, to send him over the *milites* or soldiers, which by their tenures they were bound to send. Taritius, the Abbot of Abingdon, sent to William, the king's chamberlain, to furnish the abbot with a soldier, and to discharge him of one soldier for his house of Lea, hard by the monastery, held of the abbot by knight's service; the chamberlain pretended that he held not of the abbot by chivalry, and therefore, that he would send none; but the abbot to save himself, sent one, and after the wars ended, he sued William the Chamberlain for the forfeiture of his land, and proved the tenure, and recovered by the custom of England. And by Doomsday, in the description of Barrockshire (Berkshire), it is likewise remembered that in the Confessor's daies, if any according to their tenures upon summons went not, nor found another, they forfeited all their land to

about 60,000 men ready at his command without any expense. Accordingly one of the laws of William the Conqueror commands and firmly enjoins the personal attendance of all knights and others: "Quod habeant et teneant se semper in armis et equis, ut decet et oportet: et quod semper sint prompti et parati ad servitium suum integrum nobis explendum et peragendum, cum opus adsuerit, secundum quod debent de feodis et tenementis suis de jure nobis facere." Personal service in time degenerated into pecuniary commutations or aids, and at last the military part of the feudal system was abolished at the restoration by stat. 12 Car. II. c. 24.

The tenure by knight's service[1] was the most honourable, as it was also the most universal of the tenures, called in Law-French "chivalry" or "service de chivalier," answering to the "fief d'haubert" of the Normans.

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the king. By the Abingdon MS., it appeared that if any soldier was maimed in the wars, at his return he was to be kept at the charge of the lord who sent him."—*From Sir Walter Raleigh's "Discourse on Tenures," written during his confinement in the Tower.*

[1] The patents of King Ethelred to the Abbey of Abingdon, freeing the land *a regali servitio*, show the early tenures by knight's service. Also by the patent which William the Conqueror made to Allan, Earl of Britain, giving him "omnes terras et villas quæ nuper fuerunt Comitis Edwini in Eboracshire cum feodis militum et aliis libertatibus ita libere et honorifice, sicut idem Edwinus eadem tenuit ante obsessionem Ebor."

It will be seen that the return, rent or service for the land, which was held immediately from the king, was the personal attendance of the knight, if called, for 40 days, which service was a sufficient discharge whether he held one or more fees. If he held less, however, say half a knight's fee, he was only bound to attend 20 days, and so on in proportion. This tenure had all the marks of a strict and regular feud; it was granted by words of pure donation ("*dedi et concessi*"—Coke, Litt. 9) was transferred by investiture or delivering corporal possession of the land, usually called *livery of seisin*, and was perfected by homage and fealty.

Aids, relief, primer seisin, wardship, marriage, fines for alienation, and escheat—which scarcely come under the scope of the operations of this treatise—were the fruits and consequences inseparably incident to the tenure in chivalry. The greater part of the lands of this kingdom were held by this tenure till the middle of the 17th century.[1]

LIBRATA TERRÆ.[2]

LEASEHOLD is a tenancy under lease or special agreement for any definite term, whether of lives or years, and admits of several distinctions.

LEUCA—LEUGA or LENNA—as Quarentena—was

[1] See also "Barony" for some other particulars respecting knight's fees.

[2] See note on page 28.

commonly applied to wood land by the Domesday Survey. According to the register of Battle Abbey, it consisted of 480 perches, or 12 quarantenes. Ingulphus speaks of the leuca as a mile. It must, however, be borne in mind that the ordinary mile in England in former times was nearly a mile and a half of the present standard.

MANOR was, and is still, an ancient lordship consisting of demesnes and services, and of a Court-baron as incident to it. It appears to have been derived from the French *manoir*, a dwelling-house, from the Latin *manere*, to dwell.

The lord or baron of the manor[1] was empowered to hold a domestic court called the "Court baron," for redressing misdemeanours and nuisances within the manor, and for settling disputes of property among the tenants. These paid him suit and service, or, in other words, homage; but should the number fail so as

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[1] The rights and prerogatives, or *servitium regale*, attached to a manor belonging to a king, if lord of it, were generally reckoned to be these:—

1. Power of judicature in matters of property.
2. Power of life and death in felonies and murders.
3. Right to waifs and strays.
4. Assessments.
5. Minting money, and
6. Assize of bread, beer, weights, and measures.

These privileges were annexed to some manors in the grant from the king, and were sometimes conveyed in the Charters of Donation to religious houses.

not to leave two tenants present, at the least, the manor itself was lost.

Manors originated by the king granting certain lands to some man of worth and integrity, for him and his heirs to dwell upon, and to exercise jurisdiction within the circuit he thought fit to grant; but performing such services and paying such yearly rent as by this grant was required. Now the lord afterwards parcelling the same to other meaner men, received rent and services from them, and by that means, as he became tenant to the king, the inferiors became tenants to him. The superior lord under whom the smaller manors continue to be held, is called in such cases the lord paramount over all these manors, and his seignory is frequently termed an *honor*, not a *manor;* especially if it has belonged to an ancient feudal baron, or has been at any time in the hands of the Crown. In process of time the inferior lords parcelled out and granted to others more minute estates to be held of themselves, and so downwards, without limit; till at length their superior lords observed that by this method of subinfeudation they lost all their feudal profits of wardships, marriages, and escheats, which fell into the hands of these mesne or middle lords, who were the immediate superior of the "terre tenant," or holder of the land; and also that the mesne lords themselves were so impoverished thereby,

that they were disabled from performing their services to their own superiors. This occasioned, first, that provision in the 32nd chap. of Magna Charta, 9 Hen. III.,[1] that no man should either give or sell his land without reserving sufficient to satisfy the demands of his lord; and afterwards the statute of Westminster 3, "Quia emptores," 18 Edw. I. c. 1, which directs that upon all sales or feoffments of land, the feoffee shall hold the same, not of his immediate feoffer, but of the chief lord of the fee, of whom such feoffer himself held it. Other statutes, the "Prerogativa regis," 17 Edw. II. c. 6, and 34 Edw. III. c. 15, were enacted, the latter confirming all subinfeudations previous to the reign of King Edward I.; so that all manors existing at this day must have existed as early as King Edward I.; for it is essential to a manor that there be tenants who hold of the lord, and by the operation of these statutes no tenant *in capite* since the accession of that prince, and no tenant of a common lord since the statute of "Quia emptores" could create any new tenants to hold of himself.

By the records of the Survey of Domesday Book the ancient demesne of the Crown consisted of "1,422 manors in different counties, besides

[1] Not any provision on this account was found in the first Charter granted by Hen. III., nor in the great Charter by King John.

some scattered lands and farms not comprehended therein, and quit rents[1] were paid out of several other manors." By the same book we find "*aula*, *halla*, or *haula*," a hall, or chief mansion house, was the usual appendage of a manor, and must not be confounded with "curia," which seems to have implied the baronial court or manor house of the lord only, and, by one or two entries, to have a more immediate reference to manorial jurisdiction. Of the increase and decrease of manors, and of the removal of lands from one manor to another, the instances throughout the Survey are numerous. A curious instance of the formation of a new manor occurs in the account of Gloucestershire:—

"In Lindence Earl W. formed a manor of four parcels of land, which he purchased from the owners thereof. Of the demesne of the Bishop of Hereford three hides; of the demesne of the monks of Pershore six hides, where there were six villans with four carrucates. From two thanes he purchased three hides and a half." In Bura, in the county of Essex, is this entry:—

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[1] Quit rent was a small yearly sum paid by the tenants of some manors, to *acquit* them according to some ancient records of further service. Spelman says it was written *white* rent, because paid in silver. It is more probable that it was paid for the *quiet* or undisturbed possession of those who had settled there from an immemorial time, and who had no title deeds or proof of gift to show, and whose names were not written on the court roll of the lord.

"To this manor are added forty acres of the land of King William."

Sometimes instances occur of the removal of the "liberi homines," or "sochemanni,"[1] from one manor to another. That manors were sometimes shifted from one hundred to another we have an instance in Gloucestershire under "Wenric, belonging to the abbey of Winchcombe." "Villa" was another term for a manor or lordship. A "Berewic" was a member severed from the body of a manor, as a vill or hamlet of a manor or lordship.

The following translated extracts from Domesday may be interesting as showing the extent and value of, and privileges attached to, manors at the period; and although the extracts contain some extraneous matter foreign to the subject directly under contemplation, it has been considered advisable to insert them in their entirety, with the literal translation, and in their abrupt original paragraph.

"YORKSHIRE. In Aclum and Englebi a Berewic to be taxed eleven carucates, and there may be seven ploughs. Earl Siward held this for one manor. Now Earl Hugh has it; and Hugh, the son of Norman, under him. In demesne three plough lands and twelve villans with three plough lands. A church and a priest. The whole

[1] See note on p. 61.

manor two miles long and one broad. Value in King Edward's time[1] forty-eight pounds; now, forty shillings."

"In NOTTINGHAMSHIRE and DERBYSHIRE the king's peace, given under his hand or seal, if it shall be broken, satisfaction is to be made by eighteen hundreds; every hundred eight pounds. Of this mulct the king has two parts, and the earl the third. That is, twelve hundreds make satisfaction to the king and six to the earl. If any one is duly outlawed for a crime, the king alone can restore him to peace. A thane having more than six manors does not pay relief for lands, except to the king only, eight pounds. But if he have six only, or less, he pays relief to the sheriff, three marks of silver, wheresoever he dwelleth, within borough or without.[2] But if a thane having soc and sac shall forfeit his

[1] *i. e.* King Edward the Confessor.

[2] Relief, which was usually a certain sum paid into the exchequer of the lord every fifth term by the tenant (being at full age on the death of his ancestor), holding by knight's service, grand serjeanty, or other tenure, for which homage or legal service is due, or by socage (see also note on p. 61), for which no homage is due, we find by the laws of William the Conqueror, cap. 22, and of Henry I. cap. 14, to have been for an earl, eight war horses with their bridles and saddles, four loricas (trappings and accoutrements), four helmets, four shields, four pikes, four swords, four hunting horses, and a palfrey with their bridles and saddles; for a baron or thane, four horses, two with furniture, and two without, two swords, four lances, four shields and an helmet, *cum lorica*, and fifty marks in gold; for a vavasor, his father's horse, helmet, shield, lance, and sword, which he had at his death; for a villein or countryman, his best beast, &c.

land, the king and the earl have a moiety of his land and money between them; and his lawful wife, with his legitimate heirs, if any, have the other moiety."

MASURA TERRÆ was, according to Domesday, as much land as contained four oxgangs, or 60 acres.

MORTMAIN, from the French, "dead hand," is the possession of lands in dead hands, or hands that cannot alienate them.

Alienation in mortmain is an alienation of lands, &c., to any guild, corporation, or fraternity, sole or aggregate, ecclesiastical or temporal, by which the estate becomes perpetually inherent in and unalienable from the corporation.[1]

By stat. 9 Geo. II. cap. 36, no manors, lands, or money to be laid out in lands are to be given for charitable uses unless by deed executed twelve months before the death of the donor.

In order to understand the rise and progress of the statute of mortmain, it is necessary to observe that, by the common law, any man might dispose of his lands to any other private person at his own discretion, especially when the feudal restraints of alienation were abolished. It was necessary, however, for corporations to have a licence in mortmain from the Crown to enable

[1] Blackstone.

them to purchase lands; and such licences of mortmain seem to have been necessary among the Saxons above sixty years before the Norman conquest. But besides this general licence from the king, as lord paramount of the kingdom, it was also requisite, whenever there was a mesne or intermediate lord between the king and the alienor, to obtain his licence also upon the same feudal principles for the alienation of the specific land; and if no such licence was obtained, the king, or other lord, might respectively enter on the lands so alienated in mortmain as a forfeiture. Such was the influence and ingenuity of the clergy at that period, however, that in spite of this fundamental principle, the largest and most considerable donations to religious houses happened within less than 200 years after the Conquest, and they formed contrivances to evade the necessity of obtaining licences. As time progressed, it became noticed that the feudal services, originally ordained for the defence of the kingdom, became visibly withdrawn. While the landed property of the Church became proportionately extended, the circulation of landed property stagnated, and the lords were curtailed of the fruits of their seignories, escheats, wardships, reliefs, &c.; so to prevent this, it was ordained by the second of King Henry III.'s great charters (A. D. 1217, cap. 43, ed. Oxon.), and

afterwards by that printed in our common statute books, that all such attempts should be void, and the land forfeited to the lord of the fee. This was afterwards succeeded by the statute *De religiosis*, 7 Edw. I., which provided that no person, religious or otherwise, should buy, or sell, or receive, under pretence of a gift, or term of years, or any other title whatsoever, nor should by any act or ingenuity appropriate to himself any lands, &c., in mortmain, upon pain that the immediate lord of the fee, or on his default for one year, the lords paramount, and in default of all of them the king, might enter thereon as a forfeiture. (See Black. "Comm." and Mr. Highmore's "History of Mortmain.")

OXGANG or OXGATE. The same measure of land as Bovata. (*See page* 15.)

PARAVAIL is the lowest tenant holding from him who is a tenant of a fee, and is supposed to have the direct profit and "avail" of the land. The word comes from the two French words *par* and *availer*.

PERCA or PERTICA corresponds with what is called the perch, now containing $5\frac{1}{2}$ yards or $16\frac{1}{2}$ feet, and for coppice, woods, &c., 18 feet. Among the old Romans it was 10 feet, and appears to have varied, according to the Domesday Survey.

"In Villa de Wartre Com. Ebor' longitudo

pertice Regis continet 18 pedes hominis." (29 Edw. I.)

According to the register of Battle Abbey it consisted of 16 feet. In 11 Hen. III. it is stated at 24 feet.

PLOUGH OF LAND is of the same measure as the carucate, *i.e.*, as much as a plough can till in one year. It varied like the carucate in different counties, but may be placed at about 120 acres.

Plough-alms was a duty anciently of a penny paid to the church for every plough of land.

"De qualibet carucata juncta inter Pascha et Pentecosten unum denarium, qui dicitur plou-almes." (Monast. Ang.)

PRATA TERRÆ. An undefined quantity or measure of ground. (t. Ric. I.)

QUARENTENA. A furlong, a measure of 40 perches.

"Quatuor carucatas terræ arabilis, continentes in longitudine 8 quarentenas et 8 quarentenas in latitudine." (Chart. Withlasii Reg. Merc. apud Ingulf.)

It also denoted the *space* of 40 days.

"Quarentena in London ponetur pro respectu habend. 40 dies post summonitionem per breve regis, ut consulant, &c., si sibi viderint expedire." (MS. de temp. Ed. III.)

SELION, derived from the French *seillon*, which signifies a ridge of land or ground arising between two furrows, contains sometimes an

acre, sometimes half an acre, but is of no certain quantity.[1]

Crompton says that "a selion of land cannot be in demand, because it is a thing uncertain."

"Exceptis 1 crofto et 7 selionibus, continentibus 5 acras et 3 perticates terre." Mic. Term, 30 Ed. I. Glouc. Ron.

SERJEANTY or SERGEANTY, a service anciently due solely to the king for lands held of him.[2] It is divided into *grand* and *petit.*

Grand serjeanty is the tenure of lands of the king by personal service, as the bearing of the king's banner, or spear, assisting at his coronation, or performing some office at his Court.

The tenant was not bound to pay aid or escuage, but in other respects it was like the knight's service, except in the payment of the fee for relief of service, the knight's service tenant paying £5 for the relief on every knight's fee, while the grand-sergeanty tenant paid one year's value of his land whether he had much or little. Cornage was a species of grand-serjeanty tenure. The compiler of the present

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[1] Charta Vetus Achronica makes six selions and a half to be but one acre.

[2] The *Testa de Neville* was the ancient and authentic record in the custody of the King's Remembrancer of the Exchequer of all the lands held in grand or petit serjeanty, with the fees and escheats to the king.

It is said to have been compiled by John de Nevil, an itinerant J. P. in the 18 Henry III.

treatise holds some land in the county of Wexford by grand-sergeanty tenure, the conditions of which were that his ancestors kept a boat "to ferry the judge over the Pill or Pole water," (now only a small stream,) "as often as the sessions should be held at Wexford." The service here was still royal, as it was to the judge (or justices of the peace), the representative of the king, who is supposed to be the fountain of justice and honour.

Many other curious instances of grand-serjeanty tenure are on record, but it is needless to add that they have become nearly all obsolete and are considered now only as matters of ancient historical interest—the remnants of the feudal system. In the above quoted instance, fifty years ago a bridge was built for the common road over the stream, and now a railway also runs over it; and, as it may be presumed the judge, if he comes that way, will elect to avail himself of either one of them, it will be seen that the progress of civilisation, as well as disuse, commutation to a pecuniary payment, &c., in other cases, has nullified this ancient service.

Coke on Littleton mentions that Sir Richard Rockesly held lands at Seaton by grand-sergeanty, to be "*vantrarius regis*"[1] or the king's

[1] King Edward II. "Donec persuus fuit pari solutarum preti 4*d.* dum trivisset par calceorum pretii 4*d.*"

fore-footman when he went into Gascoigne, till he had worn out a pair of shoes of the price of four pence.

By the statute of 12 Car. II., all tenures of honours, manors, lands, &c., are turned into free and common socage, but the honorary services of grand sergeanty are continued.

Petit sergeanty is a tenure of lands of the king, yielding him some small thing yearly towards his wars, as a sword, dagger, bow, spurs, &c.,[1] in the manner of rent.

SOCAGE seems to denote a tenure by some certain and determinate service. It is constantly placed by ancient writers in opposition to chivalry or knight's service, where the rent or return was uncertain.

Bracton defines it as holding by a money rent without any escuage or serjeanty. Littleton as holding by any *certain* service in lieu of all other services, as long as they are not services of chivalry or knight's service, therefore

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[1] In Richard II.'s time we find an account of petit-serjeanty tenure by the provision of a *pryk*, or old fashioned spur with one point, among other articles:—

"Nicholas filius et hæres Nich. de Longford, chivalier, tenet 4 messuagiæ, 40 acras terræ, 10 acras prati et 60*s*. redditus cum pertinentiis in Kinwaldmersh de Rege in Capite, per servitium inveniendi unum equum, unum saccum, et unum *Pryk* in Guerra Walliæ quandocunque contigerit Regem ibi guerrare."

It is no doubt from this that light horsemen in the reign of Henry VIII. were called *prickers*, because they used such spurs or pryks.

he says what is not tenure of chivalry is tenure in socage. These are tenures in socage:—to hold by fealty and 20*s.* rent, or by homage, fealty, and 20*s.* rent, or by homage and fealty without rent, or by fealty and certain corporal services, as ploughing for three days; or by fealty only, without other service.[1]

Soc is from the Saxon, and signifies a liberty or privilege, and Mr. Somner declares socage consequently to be a free or privileged tenure. This interpretation is approved of by the learned judge Blackstone. Soc, however, also means "to follow," and by many is supposed to allude to the coulter or ploughshare, which *follows on* in the groove cut in the sod by the nose of the plough, and as formerly the socage tenure con-

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[1] In Ina's laws, cap. 38, the mother was to be guardian in socage to her children, and for their bringing up was allowed 6*s.* per annum in money, and a cow in summer and an ox in winter.

Among the services of the sochmen may be mentioned that those who held lands of the Priory of Spalding had to carry three loads of thatch and three loads of binding (*i.e.* loose rushes, or long grass bound in bands for the purpose of fixing the thatch) to the Lord's Court annually, he finding them victuals, &c.

These sochmen or socmen, the husbandmen of our Saxon ancestors, were of two sorts, one that hired the lord's outlying land, like our farmers, the other that tilled and manured his inland or demesne and were therefore called his socmen or ploughmen, according to Spelman; but after the Conquest the proper sockmanni or sokemanni, often mentioned in Domesday, were those tenants who held by no servile tenure, but paid their rent, as a sign of freedom, to the lord, though they were sometimes obliged to perform customary duties for his service and honour.

sisted in nothing else but services of husbandry to be performed to the lord of the fee, such as to plough, sow, or reap for him—this seems a reasonable derivation of the word.

Socage tenures appear to have been the relics of Saxon liberty, retained by such persons as had not forfeited them to the king, nor been obliged to exchange their tenure for the more honourable, as it was called, but at the same time more burdensome, tenure of knight's service. Those who thus preferred their liberties were said to hold in free and common socage. This tenure will therefore include all other methods of holding free lands by certain and invariable rents and duties; and, in particular, petit serjeanty, tenure in burgage, and gavel-kind.

Socage is divided into two kinds—*free* and *villein* or *base*. Free is where the service is honourable,[1] and villein is where it is of a baser nature, but in both cases fixed and determinate.[2]

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[1] The Sockmanni, or Sokemanni, often mentioned in Domesday, were those tenants who held by no servile tenure, but commonly paid their rent, as a sign of freedom, to their lord, though they were sometimes obliged to perform customary duties for his service and honour.

[2] It appears by an ancient will, made in the Saxons' time, cited by Lambard in his "Peregrination," that the relief for socage was the rent of the land for one year. In the Confessor's laws (written by Ingulphus) there is often made mention of reliefs which the lord is to have of his tenant, and in one place a certain sum is fixed for socage in these words: "He that holds in soccage, let his right

Littleton tells us that socage was a tenure of so large an extent that all the lands in England which were not held in knight's service were held by it. So that it seems the land was divided between these two tenures, and, as they were of different natures, so the descent of these lands was in a different manner: for the lands held in knight's service descended to the eldest son, but those held in *villano socagio* equally among all the sons; yet if there was but one messuage, the eldest son was to have it, so as the rest had the value of that messuage to be divided between them.[1]

Sac[2] is also from the Saxon, and signifies literally "contention." It is the ancient privilege the lord of the manor claims of deciding causes of debate in his court or hall among his tenants and vassals, and of imposing fines, &c. (*See* "Manor.")[3]

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relief be the rent of his land for one year." And in the Red Book of the Exchequer, a charter of Henry I. to Bishop Sampson is cited where a certain and not an arbitrable relief is mentioned; but the relief of earls, barons, and others who held by knight-service of the king, though a relief was due to them, yet it was not made certain in Henry II.'s time.

[1] Bracton, lib. 2, cap. 35, 36.

[2] Sac signifies in the Saxon what *causa* does in the Latin tongue, hence, for whose *sake—i.e.*, for whose cause—is used in English.

[3] Sac is so associated and connected in common parlance with Soc, that although not coming under the head of either tenure, term, or measure of land, its insertion above may not require an apology.

Solin is a measure for land only found in Kent, but does not appear to have been fixed. Some writers compute it at 216 acres.[1] By Domesday it appears to have been 160. " . . . . In communi terra Sancti Martini sunt 400 acræ et dim, quæ faciunt duos solinos et dim."

Solidata Terræ. As much land as is yearly worth one shilling.

" Terram de Riseburga quæ solebat reddere 30 solidos."—*Mon.* tom. ii. p. 98.

Stadium is in Domesday Book accounted a furlong of land, or the eighth part of a mile.

Sullery, according to Mr. Agar's interpretation of Domesday, was a plough land.

Tanistry was an ancient municipal law or tenure which prevailed in Ireland, and allotted the inheritance of lands, &c., to the most worthy and capable person of the deceased's name and blood, without other regard to proximity. This was in fact following out the "good old rule" of letting him take who had the power, and letting him keep who could, which naturally occasioned bloody wars and dissensions in families; for which reason it was abolished under King James I.

Sir John Davis, in his Reports, fol. 28, describes it thus:—

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[1] The learned Dr. Cowel asserts it to be equal to a plough land, and the word to be derived from the Saxon for a plough.

"Quaint ascun person seisie de ascuns Castles, Manors, Terres ou Tenements del nature et tenure de Tanistry; que donques mesmes les Castles, &c., dond descender, et de temps dont memoire ne court ont use de descender, seniori et dignissimo viro sanguinis et cognominis de tiel person issint morant seisie, et que le file ou les filles de tiel person issint morant seisie de touts temps avant dit, ne fueront inheritables de tiels terres ou tenements, ou de ascun parte de eux."

VIRGATE. *Virgata terræ or Virga terræ.* Is generally supposed to be the same as the yard land, *i.e.*, from 20 to 30 acres.[1] The following explanation is given of it in one of the Reports of the Commission of Public Records:—"A virgate differed in extent at different periods. Some writers consider at the Survey that four virgates or virges formed the hide." Dr. Nash states that a virgate, in the time of Henry V., contained sometimes 30, and at others 24 and 15 acres. Randle Holme states that in most places it was 20 acres, though in some 24 to 30 acres.

WISTA. Was a measure of land among the Saxons, and was as much as made half a hide of land, a hide being accounted 120 acres. The number

[1] Dr. Cowel quotes the following from MS., according to which the virgate would be 40 acres, as the *ferdella* terræ was 10 acres:—"Decem acræ terræ faciunt secundum antiquam consuetudinem, unam ferdellam, et quatuor ferdellæ faciunt virgatam."

was uncertain, however, according to the locality, as Du Fresne mentions in an old Chronicle of the Monastery of Battle: — "In Perlea est una *Wista* in dominio ista enim 48 acris constat."

WORTHINE. A certain quantity of land, but how much cannot be ascertained. It is mentioned in the Account of the Manor of Kingsland, county Hereford, and is evidently from the Saxon *Weorth*, a farm or country house; and many of our country villages end in the termination "Worth."

Dr. Cowel thinks that it is from this word we get our noun, so often used in the plural, to distinguish men of useful and estimable qualities.

YARD LAND is found also to vary in different places. It is supposed to contain from 20 to 30 acres in most places, except at Wimbledon in Surrey, where it only contains 15.

Dr. Cowel states that in some counties it even contained 40 acres.

Bracton[1] considers that the yard land and virgate were synonymous terms; and it is called a *verge of land* in the Statute of Wars, 28 Edw. I.[2]

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[1] Bracton, lib. 2, cap. 10, et 27.

[2] This must not be confounded with the *verge*, which was a rod or stick for the admittance of a new tenant who held it in his hand, and swore fealty to the lord of the manor, and was called "tenant par le verge."

YOKE or JUGUM was a measure confined to Kent in the Survey, the extent of which is differently defined. Some writers deem a jugum and hide to be the same, and others that it was equivalent to half a hide.

CULTURA TERRÆ.
FORURTH.
FRUSTUM TERRÆ.
GARA.
HADE.
HAW.
LUCRUM TERRÆ.
MEDENA.
MEMBRUM TERRÆ.
PILTA TERRÆ.
PARTICULA TERRÆ.

Were inferior slips or parcels of land.

It is to be observed that in all the surveys of tenure in Domesday register the word "*terra*" is always taken for arable land, and carefully distinguished from *sylva*, *pratum*, &c.

CROY, or CRO, MARESE, MERSE, MORA. Was marsh or fen land. It applied chiefly to lands in Cam-

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This was the old law relating to them :—

"Nota tent par le verge ad le freehold in lay comt il had evidence per son terre nisi le delivery del rod in cort, le cur. 21 Ed. IV. per dire 9 et seis in fee accordant al custom del mannor, 3 Ed. V. Coron. si soit attaint de felonie roy avera annum diem et vastum; et 33 Hen. VI. dit q tiel tent ad le franktenement in lui."

Which may be translated thus :—

"It is not considered evidence for the possession of the land to hold the verge as a freehold in law, unless the rod is actually produced in court as a proof by 21 Edw. IV. in order to state from whom it is held in fee, according to the custom of the manor, 3 Ed. V. At At the coronation (it was ordained that) if the holder be accused of felony the king shall hold it uninhabited for a year and a day; and by the 33 Hen. VI. he who so holds it has the frank fee of it in himself."

bridgeshire, Huntingdonshire, and Lincolnshire, the rent of which was principally paid in eels.[1]

SILVA, SILVULA and NEMUS, Wood.

In conclusion, and as supplementary to the foregoing, it may not be uninteresting to the reader to take a glimpse at the state of society and degrees of rank which existed about the time of the compilation of the Domesday Survey.

Mr. H. Ellis, the late librarian of the British Museum, in his "Introduction to Domesday," has classified society into Barons, Thanes,[2] Vavassores, the Alloarii, or tenants in Allodium,[3] Milites,

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[1] Fisheries formed an important source of rent in the survey, and consisted chiefly of eels, herrings, and salmon. The rent in eels appears to have been sometimes paid numerically, and sometimes by stiches or sticks, every stick having 25. "*Bind* anguillarum constat ex decem *sticks* et quælibet *stick* ex 25 anguillis."—*Mon. Angl.* tom. 2, fol. 810.

[2] Thanes, from the Saxon *tenian*, to serve or minister, were those who attended the English Saxon Kings in their courts, and who held their lands immediately of those kings; hence they are called in Domesday promiscuously *Thaini et Servientes regis*. After the Conquest the word was disused, and *Baron* (*barones regis*) substituted generally for all those thanes whose position was inferior to that of an earl, and next after bishops, abbots, bannerets and knights.

Thane lands were the lands granted by charter of the Saxon kings to their Thanes with all immunities, except the three-fold necessity incident to the frank almoign tenure (v.) of expedition, repair of castles, and bridges.

[3] In the time of our Saxon ancestors all men were ranked into three classes—the lowest, the middle, and highest—and valued ac-

sometimes used for a soldier or military servant, and sometimes for individuals of higher rank; Liberi Homines, signifying not merely the freemen or freeholders of a manor, but occasionally including all the previously mentioned ranks, and indeed all persons holding by military tenure; Sochemanni, or Socmen, the inferior landowners, who had lands in Soc or franchise of a great baron, being privileged villans, who though their tenures were absolutely copyhold, had an interest equal to a freehold; Radmanni or Rodmen[1] (tenants par le verge), who were of a similar description to the Sochemanni; Villani,[2] people whose tenures were held in villenage; Bordarii, who, according to Lord Coke, were Boors who held a little house with some land of husbandry bigger than a cottage, while other authorities

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cording to the class they were in, so that if any injury was done satisfaction was to be made according to the value or worth of the man to whom it was done. The lowest were those who were worth ten pounds, or two hundred shillings, and were called *Twyhindemen*, the middle were valued at six hundred shillings, and were called *Sixhindemen*; and the highest were valued at twelve hundred shillings, and were called *Twelfhindemen*.

[1] Rodmen were bound to attend their lord wherever he went.

Sixhindi or sixhindemen (see note on preceding page) were servants of the same nature, and were accounted among the English Saxons as free men.

[2] From the French *vilain*—vile—a man of servile or base degree, bound to his lord as a member belonging and annexed to the manor whereof the lord was owner. He could not even celebrate the marriage of his own daughter without permission, and was liable to be put out of his lands and tenements at will, and also beaten and chastised, though not maimed.

consider that they were drudges, and performed vile services, reserved by the lord on a poor little house and a small parcel of land ; and others, again, that they were cottagers. Coscets were apparently the same as the Cottarii and Cotmanni, or men without land. Bures or burs, a term used synonymously with Coliberti, who are described by Coke as tenants in free socage by free rent. Servi, supposed to be the pure villans and villans in gross, who were subjected to the arbitrary pleasure of their lord, and appointed to perform servile works. The *Ad furcam et flagellum*, the meanest of servile tenures, where the bondsman was at the disposal of his lord for life or limb. Furca, being the ancient privilege of jurisdiction over Felons, was restricted to the Servi. Ancille were females very similarly circumstanced to the Servi. Censarii, or Censores, were occupiers of land, and appear to have been free persons. Porcarii, who although they appear to have been in some instances mere swine-herds, yet are generally mentioned as free occupiers, who rented the privilege of feeding pigs in the woodlands. Homines includes all sorts of feudatory tenants who claimed the privilege of having their causes tried only in the court of their lord.

Among the measures which have not been inserted in the foregoing, as they were not classed in the Domesday Survey, were:

Canna, a rod for measuring ground.

Dawach, a piece of land containing 4 acres.

Daywerc and *Diurnalis*, as much arable land as could be ploughed up in one day's work (*diurnalis*) with one ox.

Pratum Bovis, or Carucis, were the meadows sufficient for the oxen employed in tillage.

There are many quaint customs which have not been recorded, mostly relating to the customs and privileges of different manors, some totally traditionary, and others existing only at the arbitrary will and pleasure of the then all-powerful lords. Some of these are curious:

In Henry IV.'s reign Edmund Willoughby[1] held a messuage and six bovates in Charlestown from the manor of Shelford, by the service of producing a catapult (or crossbow) every year.

W. Fauconberge held the Manor of Cukery in Nottinghamshire, in serjeanty, by the service of shoeing the king's palfrey when the king shall come to Mansfeld. Coke on Litt., fol. 149.

The family of Barnham held the manor of Nether-Bilsington in Kent, by the tenure of carrying the last dish of the second course to the king's table at his coronation, and presenting him with three maple cups; a ceremony which was performed at the coronation of King Charles II.

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[1] "Edmund Willoughby tenet unum messuagium et sex bovatas terræ in Carletun, ut de Manerio de Shelford per servitium unius catapultæ per annum pro omni servitio."—Lib. Schedul de Term Mich., 14 Hen. IV. not. f. 210.

It was a common custom to hold certain manors by the annual presentation to the king of a leash of sporting dogs, generally greyhounds. That of Marshwood, near Redbridge, in Hampshire, was held by the presentation of a pair of white greyhounds on Lady Day.

The lord occasionally considered the farming requirements of his tenants, although the marked difference between rank and classes which prevailed, precluded any material acquaintance beyond the precincts of his inquisitorial court.

Killyth Stallion, we find, was the custom of providing a stallion, by the lord of the manor, for the gratuitous use of the tenants' mares.

Tenures in frank almoign frequently occur. This is the tenure by which the ancient monasteries and religious houses held most part of their land.

Firma unius noctis,[1] one night's entertainment, is a service which is often mentioned as having been rendered in the time of the Confessor. At Chintenham, in Gloucestershire, a render was made, in the time of Edward, of three thousand cakes of

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[1] It is also mentioned in Domesday, as occurring at that time—"tot noctes de firma." Drink or entertainment for so many nights.

Dr. Cowel states that, "In the reign of the English Saxons, time was computed not by days but by nights, so we read in the Council of Cloveshoe, anno 824, 'Et ibi finita et proscripta contentione coram episcopo post 30 *noctes* illum juramentum ad Westminster deductum est.'"

And so it continued to the time of Henry I. Leg. c. 66—76 and thus it is usual even now to say a se'nnight or fortnight.

dog-bread: "ter mille panes canibus." The manor of Cumbe, in Kent, is said to have been worth £4 "et servitium unius militis," which must have been by finding a man for the wars.

In Cornwall, one hide of land belonging to the Church of St. Germains is stated to have rendered by custom a cup of ale and thirty pence. The royal demesne of Portland, in Northamptonshire, in the time of the Confessor, paid, besides forty-eight shillings rent, ten shillings for skins or rugs for the king's sumpter horses. Among the baser services was "avera," the service which the tenant owed to the king, or other lord, by horse or ox, or by carriage with either, and the relief of which was eight-pence; and "inward," the guarding the person of the king when he lodged in a city or attended the sheriff. A burgess of Gloucester rendered for land at Quenintone, in that county, four ploughshares. Under Achelei, in Buckinghamshire, it is stated that "Godric, the sheriff, granted to Aluuid half a hide of land so long as the shrevality lasted, on condition that she should teach his daughter the art of embroidery."

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PAGE 1002
3 6105 044 261 357